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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,667	09/26/2001	Mark Thompson	020375-003500US	2848

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EXAMINER

PATEL, JAGDISH

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*KL*

**Office Action Summary**

Application No.

09/965,667

Applicant(s)

THOMPSON, MARK

Examiner

JAGDISH PATEL

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 11-17 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 11-17 and 19-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

1. In view of the appeal brief filed on 6/20/05, PROSECUTION IS HEREBY REOPENED.

See

In view of the Appellant's brief filed on 6/20/05 PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4,5, 11-15, 17, 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moreau (US PG PUB 2002/0069166 A1) (hereafter Moreau) and further in view of Lai (US PG PUB 2001/0037290) (hereafter Lai).

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As per claim 1, Moreau teaches a method for managing a noncredit transaction for a sale of goods between a customer and an Internet merchant, the method comprises:

receiving, by a provider computer operated by a provider from the Internet merchant over a communication link between the Internet merchant and the provider computer, a communication relating to the transaction that includes a cost for the goods;

( para [0089], refer to COMMIT transaction received at the facilitator's server from the merchant's server)

recording, by the provider computer over a communications link, confirmation of noncredit collection of the cost from the customer at the one of the plurality of provider offices in accordance with the communication;

[0103] .. customer 310 tenders payment of the transaction amount ..provided on the facilitator's web page, for "non-credit collection of cost" please refer to [0054] collection agent at which the product or service may be paid for with cash or other types of payment ..].

Moreau fails to teach, however, in the same field of endeavor Lai teaches a method for secured web based escrowed transactions wherein a provider computer authorizes payment of the cost to the Internet merchant from the provider after receipt over the communications link between the Internet merchant and the provider computer of confirmation that the Internet merchant has initiated shipment of the goods directly to the customer.

(Lai [0036] and [0037], the agent sends the payment authorization upon confirmation that the merchant has initiated shipment to the member who has purchased goods at the merchant's website).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Moreau in view of Lai to incorporate the escrow process as discussed above because this improvement would provide for secure method for payment in a network based purchase transactions, would permit those customers who do not have access to credit cards or otherwise do not wish to use credit cards for payment over the Internet to make purchases from the online merchants websites using cash or other non credit payment methods.

Implementing the escrow feature via the provider computer would also assure the customer that he is protected from the possible occurrence of an unscrupulous or careless merchant.

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Claim 2: Wherein recording confirmation of collection of the cost from the customer comprises recording confirmation of noncredit collection of an entirety of the cost plus a service charge before the merchant has initiated shipment of the goods.

(Moreau, [103])

Claim 4: ..the customer and the Internet merchant are located in different countries;

(inherent because the Internet connects the users (customer and the merchant) all over the World)

Claim 5: ..communications link between the Internet merchant and the merchant provider..an Internet communication link.

(Figure 1, Internet 100)

Claim 11: hyperlink to the Internet merchant (refer to Figure 1 )

Claim 12: Moreau and Lai fail to teach determining by the provider computer, a shipment of the goods as part of an aggregate shipment.

Official is notice is taken that aggregating goods for shipment is old and well known business practice. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement this process because aggregating goods (such as according to geographic address of the customer etc.) would reduce cost of shipment and improve logistics of the transport process.

Claim 22: corresponds to method claim 12 and is accordingly rejected.

Claim 13: all limitations of the computer readable storage medium have been analyzed as per claim 1.

Claim 14: the communication link between the Internet merchant and the computer system comprises an Internet connection .. (see [0028] and Fig. 1).

Claim 15: providing a hyperlink to a website of the merchant (see [0028]).

Claim 17: refer to claim 2 analysis.

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Claims 19-21: Moreau and Lai fails to teach service charge and currency exchange as recited.

Official is notice is taken that including shipping and insurance cost to the service charge and further performing currency transaction are old and well known business practices in sales and specifically in e-commerce transactions. It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to implement these features as desired and needed by the merchant.

Claims 23 and 24: all limitations of the system claims are explicitly shown and previously analyzed in Moreau and Lai combination per claim 1.

2. Claims 3, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moreau and Lai as applied to claim 1 above, and further in view of Ganesan.

Regarding Claim 3 while Moreau and Lai as analyzed in claim 1, fail to teach, however, Ganesan in the same field of endeavor, teaches recording confirmation of collection of the cost from customer comprises:

Recording confirmation of collection of a portion of the cost plus a service charge before the merchant delivers the goods; and

Recording confirmation of collection of a remainder of the cost plus the service charge after the merchant has initiate shipment of the goods;

(p. 8 para [0109] one or more databases containing information associated with registered sellers and registered purchasers. also inherently disclosed in para [0147] and [0148]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Moreau and Lai in view of Ganesan because this would permit the customer to pay fraction of the transaction initially as a down payment for goods and the reminder when the merchant actually ships the goods.

Claim 16 corresponds to method claim 3.

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***Conclusion***

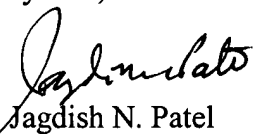
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748.

The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3624)

9/28/05